

TOWN OF BARRINGTON

PERSONNEL PLAN

(General Policy)
Adopted August 28, 2000
Effective January 1, 2001

(Amendments)
Amended February 2, 2001
Amended April 22, 2002
Amended August 26, 2002
Amended December 20, 2004
Amended September 10, 2012

(Effective Date)
February 2, 2001
April 22, 2002
January 1, 2003
December 20, 2004
September 17, 2012

PERSONNEL PLAN OF THE TOWN OF BARRINGTON

Chapter 1: PURPOSE AND MISSION STATEMENT

The purpose of this Personnel Plan is to establish policies and procedures in order to ensure, insofar as possible, uniform treatment and administration of personnel employed by the Town of Barrington.

This manual not only outlines the policies towards the various phases of your employment, but it also indicates how policy is to be administered. These policies also aid in achieving fair and equitable interpretations of policy which require personnel action on a regular recurring basis. Moreover, it is our intent that all employees have a deeper understanding of their role in the organization.

The Town of Barrington is committed to providing equal opportunities for all persons making application for employment and for equity in treatment and advancement opportunities for our employees.

It is not the intent of this plan nor should it be interpreted as being an offer or an enforceable obligation on the part of the Town. Neither the text of these policies, nor that of any policy or procedure statement of the Town, is intended to be, or should be construed as a contract of employment or as a contract guaranteeing continued employment. Although we hope that your employment relationship with the Town will be mutually rewarding, employment with the Town is at will and may be terminated by you or the Town at any time.

The overall responsibility for administration of this plan rests with the Board of Selectmen or their representative. Department Heads are responsible for administration of the plan within their department.

This manual supersedes any previous Personnel Plan or other written or verbal policy which may have been previously issued by the Town.

Board of Selectmen
Town of Barrington

Chapter 2: AMENDMENT AND APPLICATION OF RULES

The adoption of this personnel plan by the Board of Selectmen supersedes all previous personnel plans and/or practices utilized by the Town of Barrington. The employer reserves the right to add to, delete from, or modify this plan either on an individual or organization-wide basis. Such additions, deletions or modifications will be effective when approved or implemented by the employer. This plan is not intended to and does not create contractual obligations for the employer.

The rules and regulations herein shall apply to all employees, unless otherwise noted. These policies shall not apply to contractors, their employees, town officials who are elected; or to other bona-fide volunteers of the town. These policies shall be the minimum requirements for all employees, unless otherwise provided.

The Town Administrator or other designee of the Board of Selectmen shall be responsible for the administration of this plan. He/she shall coordinate procedures with the Department Heads, and shall require such regular reports and information as necessary for proper implementation of this plan.

Chapter 3: DEFINITIONS

For the purpose of this plan, the following words and terms shall have the meaning indicated below:

3.1 Appointing or Hiring Authority Shall mean the Board of Selectmen, who shall be the final appointing and terminating authority for all positions within Town Government unless otherwise established by statute, ordinance, or legal vote of Town Meeting. Appointments and terminations may, however, be delegated to the Town Administrator or Department Heads, or made on the basis of recommendations by the Town Administrator or Department Heads.

3.2 Compensation Is intended to mean all salary, wages, fees, and other forms of valuable consideration earned or paid to any employee by reason of service in the position, but does not include allowances for expenses authorized or incurred as incidents of employment.

3.3 Demotion Shall mean a change of the employment status of an employee to a position having a lower salary rate.

3.4 Employee Shall mean a person who has been appointed to a position in the Town service within the guidelines of the Town of Barrington Personnel Plan. A Public Safety employee, in addition to meeting the above requirements, is defined as certain personnel within the Police and Fire Departments as defined under the Fair Labor Standards Act.

3.5 Full-Time Employee Is one who works a standard workweek of thirty-five (35) or more hours per week on a continuing or indefinite basis. Full-time employees receive all benefits and rights provided in this plan, upon successful completion of the probationary period.

3.6 Part-Time Employee Is one who works less than the regular work week, but not more than 35 hours nor less than 15 hours per week, on a continuing or indefinite basis.

3.7 Seasonal Employee Is one hired for work to be performed during certain times of the year, and does not maintain continuous regular employment with the Town. The hours of work for this type of position may vary due to weather and other factors, which could affect work schedules.

3.8 General Town Employee Is an employee not hired for law enforcement or fire fighting or hired on a temporary or seasonal basis.

3.9 Public Safety Employee Is one hired to work in “Public safety activities”. “Public safety activities” includes law enforcement or fire fighting.

3.10 Temporary Employee Is one hired to work for a limited period of time and may include a person hired under a federal program. The benefits offered to a temporary employee will be assessed in light of applicable federal and state laws, and this plan. Hours of work may be less than the standard workweek.

3.11 Probationary Period Initial employment with the Town of Barrington shall be for a probationary period of three (3) months. Employee performance shall be reviewed on a regular basis to determine skill levels, adaptation to the job and the work environment, adaptation to fellow employees, and the need, if any, for additional training. Police employees will have an initial probationary period of one (1) year.

An extended probationary period is to permit further evaluation of the employee’s skills and adaptation to the job, and shall not exceed an additional 3 months.

The Board of Selectmen may waive the requirement of a probationary period in cases of promotional appointments if they deem it to be appropriate.

3.12 Employment Examination Shall mean a qualifying examination, which may be given to all applicants for original appointment in the service of the Town, to determine their general fitness for service of the Town, and with respect to the particular job for which they are applying.

It will be necessary for job applicants to pass a medical examination by a Town selected and paid physician following acceptance of an employment offer. Such medical examinations will be based on bona fide occupation standards that reasonably relate to the position in question, with consideration given by the Town to make reasonable accommodations for disabilities as required by law.

3.13 Promotion/Demotion It is the policy of this town that all positions shall be filled by fully qualified persons who have been examined on the basis of job related criteria. When deemed appropriate, persons currently employed by the Town shall be preferred to fill vacancies for which they are qualified.

Notice of a position will normally be posted internally for a period of 72 hours to allow any employee currently employed by the Town to apply.

Employment to fill a vacancy that falls within the jurisdiction of the Board of Selectmen shall normally be made by them following a review of all applicants with the department head in whose department the vacancy exists.

3.14 Pay Day Paychecks for Town of Barrington employees will be issued weekly on Fridays.

3.15 Fiscal Year The fiscal year for the Town of Barrington is January 1st through December 31st.

Chapter 4: **EMPLOYMENT**

4.1 Hiring Authority: The hiring authority for the Town of Barrington shall be the Board of Selectmen, or their duly authorized designee.

4.2 Equal Employment Opportunity/Affirmative Action: It is the Town's policy to employ, retain, promote, terminate, and otherwise treat any and all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's sex, race, religion, national origin, pregnancy, age, marital status, color, ancestry or disability, except as a bona fide occupational qualification.

4.3 Recruitment and Selection: It is the policy of this town that all positions shall be filled by fully qualified persons who have been examined on the basis of job related criteria.

4.4 Licenses and Certifications Certain positions require the possession and maintenance of licenses and certifications including, but not limited to, motor vehicle operators' licenses and professional licensure. Employees required to operate town or non-town owned vehicles as part of their job responsibilities are required to furnish proof of motor vehicle insurance.

4.5 Motor Vehicle Violations All employees who operate a vehicle are required to notify the Department Head of any and all motor vehicle violations resulting in summons or arrest within 72 hours of the action. Such notification shall be in writing.

4.6 Motor Vehicle License Revocations or Suspension All employees who operate Town vehicles are required to notify the Department Head of license revocations or suspension on the next working day following receipt of the notice of revocation or suspension. Such notification shall be in writing and shall include a copy of the notice of revocation or suspension.

No employee is authorized to operate any town or non-town vehicle on Town business while his/her motor vehicle license is under revocation or suspension.

4.7 Failure to Notify of any Violation, Revocation of Suspension Employees who fail to notify their department head of a motor vehicle violation, license suspension or revocation within the required time frame shall be subject to immediate termination. Any employee found to be operating any vehicle while under suspension or revocation of their motor vehicle license shall be subject to immediate termination.

4.8 Employment of Relatives: Under no circumstances will an employee supervise a member of his/her immediate family. For purposes of this section, “immediate family members” is defined as under Section 6.4 of this plan.

4.9 Reemployment of Former Employees: Personnel who leave the employ of the Town and are re-hired more than ninety (90) days after separation, except those granted a leave of absence or recalled after a layoff of less than 12 months, shall serve another probationary period and shall in all other respects be treated as a new employee.

Chapter 5: COMPENSATION

5.1 Regular Compensation: Employees will be paid at a rate approved by the Board of Selectmen. Considerations may include requisite qualifications; prevailing rates of pay for comparable work in other private and public employment; cost of living factors; maintenance and other benefits received by employees of the Town; the financial ability of the Town; and other economic considerations. Selectmen will attempt to take into consideration conditions of merit and seek to reward those employees who have performed meritorious service to the Town.

The Fair Labor Standards Act (FLSA) will be followed to determine whether an employee is eligible for overtime pay.

5.2 Overtime: Personnel shortages, peak workloads, and other emergency work may make it necessary for an employee to work beyond the regularly scheduled work day or work week. Premium pay (time and one-half) will be paid for all hours worked in excess of forty hours in one workweek for all employees except those designated as exempt from the Fair Labor Standards Act overtime provision. Premium pay shall not be paid for any period when no work is performed such as is allowed for under earned time. (See Sec. 6.3) Employees in fire protection or law enforcement activities as those terms are used in sections 7(k) and 13(b)(20) of the Federal Fair Labor Standards Act and applicable regulations shall be subject to a work period of 14 consecutive days. For those employees, overtime will be paid for all hours worked in excess of eighty (80) hours per 14-day work period.

5.3 Shift Differential: Employees who's entire regular work shift falls between the hours of 6:00 PM and 6:00 AM will be paid a shift differential of \$1.00 per hour for work time scheduled and worked.

5.4 On Call: Stand by Compensation: As on call hours are not defined as hours worked under FLSA. Employees who are on call will be paid one hour at their normal hourly rate of pay for each four-hour on call period.

Call Back Compensation: As call back hours are defined as hours worked under FLSA, all employees who are called back to duty after the conclusion of the full-time regular workday shall be compensated at a minimum of two (2) hours. These hours will be paid at time and one-half provided the number of hours worked during the workweek meet or exceeds forty hours. If an employee has not met or exceeded forty hours worked during the workweek, call back compensation will be paid at the employee's regular rate of pay.

5.5 Lunch/Break Time: A maximum of 30 minutes combined will be paid for lunch/break time.

5.6 Salary Adjustments:

General Increase: A general increase to all employees annually. The intent of the general increase is to keep the wage matrix current and competitive.

Annual Performance Review: Each employee will be reviewed on an annual basis for satisfactory work performance by his or her department head. If an employee receives a favorable review they will be eligible to receive a step increase if funding is available. If an employee receives an unfavorable review, they will be placed on probation and be reviewed again in 90 days. Depending on the results of the follow-up review at the end of the 90-day probationary period, personnel action up to and including termination may result. Annual employee reviews for performance will be conducted by June 15th for all employees. Approved step increases will become effective July 1 within the limits of available funding.

Range Movement: When salary survey data indicate that the wages being paid to employees in a particular classification are no longer competitive, the Selectmen, may, if funds are available, move a classification to a higher salary range.

5.7 Business and Travel Reimbursement: Necessary travel incident to duties and performed in the town employee or official's personal vehicle shall be reimbursed at a rate per mile to be determined annually by the Board of Selectmen.

With prior authorization, town employees and officials shall be reimbursed for meals when on official business involving an overnight stay, or attending a meeting or training session. Reasonable expense of the meal (excluding any alcoholic beverage) shall be allowed.

The reasonable cost of lodging incidental to travel shall be reimbursable, and hotel or motel bills must be attached to expense vouchers.

It is the responsibility of all employees and officials on travel status to make sure there are sufficient funds available before they undertake the travel or incur the expense.

All reimbursement vouchers must be approved by the Department Head, and the Town Administrator.

Chapter 6: HOURS OF EMPLOYMENT, ATTENDANCE, & LEAVE

6.1 Hours of Work & Attendance Actual starting and quitting times vary from department to department. The department head, with the approval of the Board of Selectmen, will determine the regular hours of work both daily and weekly. Department heads shall maintain the ability to manage their respective departments and change hours and work as necessary.

Any employee on an unauthorized absence for more than three (3) scheduled work days/shifts without notification to the Town will be deemed to have resigned the position and will be automatically terminated.

6.2 Legal Holidays The Town currently allows 12 holidays each year. On or before January 1 of each year, the Board of Selectmen or the Town Administrator on its behalf will post a list of approved holidays for the coming year. All holidays will be observed on the day designated by the Federal Government other than the day before or after Christmas which is set by the Town Administrator. Normally, holidays falling on a Saturday will be celebrated on Friday. Holidays falling on a Sunday will be scheduled on a Monday. One exception is that those employees at the transfer station will be paid for holidays falling on a Saturday and the hours they work when they also work on a holiday Saturday as well as paid for Christmas if it falls on a Saturday.

1. New Year's Day - Floats -
2. Martin Luther King - Monday -
3. President's Day - Monday -
4. Memorial Day - Monday -
5. Independence Day - Floats
6. Labor Day - Monday -
7. Columbus Day - Monday -
8. Veterans Day - Floats
9. Thanksgiving Day - Thursday
10. Day After Thanksgiving - Friday -
11. Christmas Eve or the day after Christmas - Floats
12. Christmas Day - Floats

Police employees and Fire employees will be paid for 12 holidays whether they work them or not and that time will not count as time worked. This will be done by paying these employees 1.84 hours per week throughout the year for employees who average 40 hours per week. This time will not count as time worked. Other employees (but not Police or Fire employees) scheduled to work an approved holiday will be compensated for all such scheduled hours worked in addition to receiving Holiday pay which will be paid at the employee's regular rate of pay for regularly scheduled hours. Thus if a person is not scheduled to work on a Friday on which a holiday falls, they do not receive holiday

pay but if they are scheduled for 10 hours on a Wednesday holiday, they will be paid 10 hours at the regular rate. **Holidays are counted as time worked for purposes of overtime for only the *Highway Department employees* and do not count towards overtime for hours worked for any other employee. Amended September 10, 2012 and takes effect September 17, 2012**

6.3 Earned Time Policy This policy to allow Earned Time Payment was developed to provide paid time off from work for such reasons as holidays, vacations, sickness, and personal reasons. Section was amended September 10, 2012 and implementation takes effect September 17, 2012

- A. The following schedule details the rate at which time will be accrued for all employees, for the indicated consecutive years of employment, prorated by the number of hours paid. (Schedule is based upon an 8-hour workday, 2080 hours worked annually and shows the highest number of vacation & sick days that can be accrued. Employees who regularly work less than 40 hours will be paid based upon the hours they are regularly scheduled to work. Earned time shall apply to all employees regularly working 20 hours or more).

Town Employees

Group A: 0-4 years of service 8.5%
10 vacation days 12 sick days

Group B: 5-9 years of service 10.4%
15 vacation days 12 sick days

Group C: 10+ years of service 12.4%
20 vacation days 12 sick days

Example: An employee is paid for 40 hours per pay period. His/her time is calculated by multiplying the hours paid by the accumulation percentage and adding the number to the employee's earned time bank.

Town Employees

Group A: 40 hours x 8.5% = 3.4 hours
Group B: 40 hours x 10.4% = 4.16 hours
Group C: 40 hours x 12.4% = 4.96 hours

B. General Rules Related to Earned Time:

1. Earned Time is available for all employees who regularly work a minimum of 20 hours per week and is calculated upon the number of hours regularly scheduled up to 40 hours in a workweek. Exempt salaried employees are calculated on the basis of 40 hours per week.
2. Earned time is **not** accrued during any period of time when on unpaid leave including short and long term disability.
3. Earned Time can be accrued to a maximum of 320 hours for full-time employees. Part time employees may accumulate to a maximum of 8 times their regular weekly schedule, for example 20 hours per week times 8 equals 160 hours maximum for that part-time employee. Starting January 1, 2014, and at each subsequent January 1, any hours in excess of that maximum limit will be lost without compensation for them, reducing the total earned time down to the maximum. The Town Administrator has the authority to grant a temporary excess of hours for a limited period of time based upon unique circumstances. Upon leaving service an employee will not be paid for more than the maximum number of hours allowed above.
4. During the course of any year, including 2012, an employee may only cash in an amount equal to 50% of his or her total annual accrual other than upon termination of employment.
5. Earned time can be used in amounts of one hour or more.
6. When using Earned Time, the total pay for any one day shall not exceed an employee's usual work hours.
7. Only the amount of Earned time **ACTUALLY** accrued and deposited in the Earned Time bank shall be available for use.
8. **All** Earned Time requests for reimbursement must be recorded on payroll time sheets and Appendix A must be completed and submitted to Payroll.
9. Whether through a voluntary or involuntary termination of employment during the first six months, the employee shall forfeit all Earned Time benefits.
10. Upon termination of employment (other than during the first six months of employment), the employee will be paid for all Earned Time accrued and deposited in the Earned Time bank.

C: Scheduling:

Except in emergencies beyond the employee's control, (e.g., an employee sick day) all requests to utilize Earned Time shall be granted or denied at the discretion of the employee's immediate supervisor as work scheduling permits and on a first come/first served basis. There is no minimum amount of time an employee must retain when scheduling time off.

D. Sick Days:

Requests for absence with or without pay due to illness, must be made by an

employee to his/her immediate supervisor. For the purposes of this section sick days may be used as time off for illness, injury and medical necessity of the employee or immediate family. (See Sec. 6.4 of this plan for definition of immediate family).

- E. **Earned Time:** is intended to provide for the continuation of compensation. Therefore, it is advisable for an employee to accrue at least two weeks of earned time as protection for unexpected periods out of work due to illness. No employee may purchase earned time bringing him or her below two weeks of time in the Earned Time bank.

- F. **Maternity:**

(See Sec. 6.7)

- G. **Exceptions:**

Any variation from this Earned Time Policy will require the approval of the Board of Selectmen.

- H. **Earned Time Cash Options:**

Earned Time may be “bought out” four times a year, as indicated below. Full-time and part-time employee must retain a minimum of two weeks in their Earned Time bank when cashing out. Employees may not purchase hours that would reduce their bank below the minimum required hours.

Use of this cash option will be permitted quarterly during March, June, September and December. Such requests must be submitted to Payroll in the first two weeks of the appropriate month and will be paid in the next pay period for that month. (In cases of unique hardship, a person can appeal to the Board of Selectmen for buy-out at another time. The first quarterly buy-out for 2012 will open the month following approval of the amendment with the second in December.)(Addition suggested by staff)

A completed Earned Time Cash Option Form will be required and must be submitted by the employee to Payroll in a timely manner. (See Appendix A)

- I. **Earned Time Sick Bank**

Purpose: To insure that time previously accrued as sick time but not taken by the employee will not be lost with the initiation of Earned Time. This was created for employees who were hired before 12/31/2000 and had unused sick time.

Policy: All previously accrued but unused sick time will go into an extended sick-time bank for use by the employee for prolonged sickness or disability only.

Procedure:

- A. Following the second consecutive day of absence due to illness or disability, the employee may submit a request for use of the extended sick-time bank to the department head.
- B. The department head will notify the bookkeeper to pay out of the employee's extended sick bank for the duration of the absence or until the accrued cash balance has been utilized.
- C. The sick bank is closed to any additional deposits of time. No employees may add time to the sick bank and those with a zero balance may not open an account. All time in the sick bank will be converted to dollars as of October 1, 2012 at the current wage rate of each employee who has time in the sick bank. This dollar total will not increase with future salary increases and will be used out by purchasing time at the then current rate of pay. The town will consider budgeting to buy down the total in the sick bank in future years.
- D. Upon separation of employment, accumulated money within the sick bank shall be forfeited, however, when an employee in good standing, who is separating his/her employment with the Town has a minimum of 10, 15, or 20 years of employment with the Town they will be paid on a prorated basis for their years of service as indicated below*:

10 years of service = 50% of accumulated funds
15 years of service = 75% of accumulated funds
20 years of service = 100% of accumulated funds

(Above sections 6.3 amended September 2012)

APPENDIX A
TOWN OF BARRINGTON
EARNED TIME CASH OPTION FORM

Employee Name

Date

Earned Time Balance

Number of hours worked per week

I would like to request a conversion of _____ hours to cash.
I would like to request a conversion of _____ hours to the sick bank.

Signature, Employee

Signature, Department Head

Signature, Town Administrator

6.4 Bereavement Leave May be granted by the Board of Selectmen, Town Administrator, and/or Department Head without loss of pay for the death of an immediate family member. The employee, on request, will be excused for any of three (3) normally scheduled working days between the date of death and the date of the funeral, inclusive.

For the purposes of this section, immediate family shall be defined as: a spouse and children of the employee; children of the spouse; grandmother, grandfather, mother, father, brother, and sister of either the employee or the employee's spouse.

One day off from work without loss of pay will be allowed for the death of a family member not listed above.

6.5 Military Leave Full-Time employees who are members of the organized military reserves or National Guard and who are required to perform field duty will be granted military leave in addition to vacation time as may be required by the appropriate military command. Appropriate documentation shall be provided by the employee. For each such period of military service, the employee will be paid the difference between service pay and the employer's regular compensation, for up to a maximum of 10 days per calendar year.

6.6 Jury Duty An employee called as a juror will be paid the difference between the fee received for such service and the amount of straight time earnings lost by reason of such service. Satisfactory evidence of such service must be submitted to the employee's immediate supervisor. Employees who are called to jury duty and are excused from jury duty for the remainder of the day shall report to their regular work assignment as soon as possible after being excused.

6.7 Extended Leaves of Absence The Town may grant employees extended leaves of absence under certain circumstances. Except as stated below, employees will not receive compensation during such an extended leave.

Employees generally are eligible to request extended leaves of absence if they have completed at least one (1) year of service, or as specified by law. The granting and duration of each leave of absence and the compensation received by the employee, if any, during the extended leave will be determined by the Town in conjunction with applicable Town policy, and state or federal law. The following extended leaves will be considered:

PERSONAL LEAVES OF ABSENCE: Employees may be granted a leave of absence to attend to personal matters in cases in which the Town determines that an extended period of time away from the job will be in the best interest of the employee and the Town.

FAMILY AND MEDICAL LEAVE: All employees who have worked for the Town for at least twelve (12) months and have worked at least 1,250 hours during the last 12 months are eligible for Family and Medical Leave. Maternity leave taken by an employee who meets these criteria shall count as a part of their eligibility for Family and Medical Leave. However, the length of maternity leave shall be governed by the duration of the temporary disability as certified by a licensed physician and shall not be limited to twelve (12) weeks if the period of disability is longer.

The term “any twelve (12) month period” as used in this policy shall be defined as a rolling twelve (12) month period measured backward from the date leave use begins.

The twelve (12) “work week” definition provides for twelve (12) consecutive work weeks or, in certain approved situations, an equivalent amount of time off for “intermittent” or “reduced schedule” leave for situations provided below.

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that requires inpatient or continuous out-patient treatment.

A leave may be taken for up to twelve (12) work weeks during any twelve (12) month period for:

1. The birth and first year care of a child;
2. The adoption of foster placement of a child in the employee’s home;
3. The illness of a employee’s spouse, child, parent or other family member, if the employee’s presence is deemed necessary by the family member’s health care provider; and
4. The employee’s own serious health condition.

Request for Family and Medical Leave must be submitted to the Town Administrator 30 days in advance of the start of the leave. If the need for the leave was not foreseen, notice must be provided as soon as possible after the need arises. The final decision concerning the request will be made by the Town. The Town reserves the right, at the time of approval, to apply the provisions of this section on a retroactive basis to leave previously taken if the leave was caused by the serious health condition. The Town also reserves the right to place an employee on Family and Medical Leave status of its own volition if conditions warrant such leave, even if the employee does not request the leave.

Certification by a health care provider as defined in federal law is required for any leave based on the employee's or family member's serious health condition. The Town reserves the right, at the Town's expense, to require a second or third opinion, if there is a question about the certification provided by the employee's health care provider. The Town reserves the right to require re-certification every thirty (30) days or when permitted by law.

All employees on approved leave are expected to report any change in status in their need for such leave or their readiness to return to work to the Town. Employees returning from extended leave of absence must notify the Town Administrator at least ten working days in advance of their projected return or the end of the leave period, whichever occurs first. Employees will be returned to work as soon as the Town Administrator receives certification from the employee's health care provider of the employee's ability to return to work and as the schedule permits.

Every employee on Family and Medical Leave will be required to use all accrued annual, sick, personal, bonus, holiday and compensatory time and earned time while on leave. The Town will provide health insurance and other benefits as required by state and federal law. The period of leave does not count toward length of service for the accrual of any benefits.

It is the responsibility of the employee to notify her immediate supervisor as soon as there is confirmation of her pregnancy. The employee shall present a certificate from her attending physician as to the expected delivery date and any restrictions placed on the employee by the physician as a result of the pregnancy. The pregnant employee is responsible for immediately notifying her supervisor of any restrictions placed on her by her physician during the term of the pregnancy.

Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom are considered temporary disabilities. The employee is entitled to receive vacation, sick and/or other accrued leave pay up to the maximum amounts accrued. Thereafter, the leave shall be without pay, unless changed by federal or state laws.

The length and duration of maternity leave will be decided by the pregnant woman and her physician. However, when the employee is physically able to return to work, her original job or a comparable position shall be made available to her unless business necessity makes this impossible or unreasonable.

It is the responsibility of the employee to notify the Town Administrator of the delivery of the child and regularly report on her recuperation. The employee shall notify the Town Administrator of her intent to return to work at least ten days before she plans to resume employment. Reinstatement is contingent upon presentation of a certificate from the employee's doctor, stating that she is physically able to work. If the employee fails to notify the Town Administrator at least ten days prior to the expiration of her leave whether or not she plans to return to work, and her physician feels that she is physically capable of performing her responsibilities, she will be considered to have voluntarily terminated the employee/employer relationship without notice as of the date such leave was granted.

During the leave, the employee shall continue to accrue vacation and sick leave provided she returns to work for at least six (6) months. The vacation, sick and bonus leave will be credited to the employee after a return to their normal schedule. An employee may apply for sick, bonus or annual pay for days missed due to illness or an emergency during the six month period which meets the definition for use of such leave under these policies, if the total days absent exceeds the leave available to the employee. Any retroactive grant of leave under these circumstances shall be at the discretion of the Board of Selectmen.

6.8 Leave Without Pay Leave without pay may be granted in one (1) month increments up to a total of 12 months for any one request at the discretion of the Board of Selectmen.

Employees desiring leave without pay must have exhausted all annual, bonus, compensatory and personnel day leave, and, in the case of a non-job related illness, all sick leave before being eligible to apply for a leave without pay. Application must be made to the Board of Selectmen at least ten (10) days before the start of the leave. The employee shall be notified at least seven (7) days before the requested leave date of the decision of the Board of Selectmen regarding the employee's application.

Employee benefits such as health insurance and retirement may be continued at the expense of the employee for the period(s) specified by these rules and/or federal or state law. Employees shall not be entitled to any other benefits while on a leave without pay.

An employee wishing to return at the end of a leave without pay must notify the employer at least 30 days prior to the end of the leave period. If the leave was due to non-job related illness, the employee must provide a certification of returnability to return to work from the attending physician. Any and all restrictions shall be included in the certificate. The Board of Selectmen shall notify the employee at least 10 days prior to the requested return date if the employee will be allowed to return, to what department they shall return to, the job they will return to, the schedule, any restrictions regarding the type of work performed, and any administrative or other details to be completed prior to a return to work.

An employee who accepts full-time employment from another employer while on leave without pay shall be deemed to have voluntarily severed the employer/employee relationship with the Town.

6.9 Administrative Leave Administrative leave is intended to allow the Town to place an employee in a leave status with pay or without pay for a fixed duration pending the conclusion of an investigation, review of performance or other circumstances not covered under other policies of the Town that may require the removal of the employee from the workplace until the matter is reviewed and/or resolved.

A request for administrative leave shall be initiated by an employee's department head for the circumstances stated above. The request shall clearly state the reasons for the request and the duration of the leave. The request shall be reviewed and approved by the Town Administrator.

The Town Administrator reserves the right to declare an employee on administrative leave for the purpose of a curtailed operation due to weather related incidents or other unsatisfactory workplace conditions that are out of the Town's control and that may result in the closing of Town Offices or certain departments.

6.10 Workers' Compensation Law Pursuant to RSA 281-A, the Town will comply with all applicable sections of the Workers' Compensation Law.

An employee on workers' compensation shall be entitled to return to his/her previous position unless the following event(s) occur:

- i) A medical determination by attending physician or finding by the NH Commissioner of Labor that employee cannot return to former position;
- ii) Employee accepts employment with another employer;
- iii) Eighteen (18) months have elapsed from date of injury.

Part-Time, seasonal, volunteer and temporary employees hired to fill the position of any injured employee shall be exempt from the provisions of this section.

Wage Issues: Worker's Compensation will reimburse an employee an amount equal to 60% of an employee's average weekly wage within the limits prescribed by state statute. The 60% reimbursement shall be calculated after any wages earned under the have been deducted. An injured employee may request that the Town issue a payroll check in the amount of the employee's normal base pay. The employee shall immediately forfeit his/her workers' compensation check to the Town, and the Town will deduct the balance of the remuneration (after workers' compensation reimbursement) from the employee's sick or accumulated annual leave.

Chapter 7: RETIREMENT AND OTHER BENEFITS

7.1 Retirement Full time employees eligible for coverage under the New Hampshire Retirement System (employees who work thirty-five (35) hours or more per week) will receive the benefit of the Town's contribution required by that System.

7.2 Deferred Compensation All employees of the Town of Barrington, regardless of the hours they may work and having met any required eligibility standards, are eligible to participate in any one of three group deferred compensation plans offered through the Town. Participation in any of these programs is strictly voluntary and will involve the employee's own money through a payroll deduction process.

Town employees may participate in the Public Employees Benefit Service Corporation (PEBSO); the International City/County Management Association Retirement Corporation (IMCA-RC); or the State of New Hampshire Deferred Compensation Program administered by the Copeland Companies.

7.3 Life Insurance All full-time employees are eligible to apply for \$25,000 of life insurance. Upon meeting the insurance underwriter's requirements, the Town will pay 100% of the employee's premium up to \$115 per quarter.

7.4 Medical Insurance Currently the Town provides full-time employees with single, two-, or multi-person coverage as appropriate to his/her family status, hospitalization and medical insurance through the Town's group policy. The coverage and type of policy shall be as approved by the Selectmen and is subject to available funds as approved at the Annual Town Meeting. The Town pays 90% of the medical insurance premium with an eligible employee contribution of 10%.

Town employees who work less than 35 hours per week are eligible to purchase at their expense single, two-person or multi-person coverage, as appropriate to his/her family status, for hospitalization and medical insurance through the Town's group policy.

Upon separation in good standing from the employ of the Town, the employee may continue medical insurance coverage at their option and at their expense, in compliance with federal and state law.

7.4(a) Payment in Lieu of Insurance Town employees frequently have choices for health insurance coverage. They may have the option to be covered by spouses' plans through the spouse's employer(s), or perhaps to cover dependents under someone else's plan. Town employees will be required to secure, as a benefit of their employment with the Town, a basic package of health insurance for themselves. Full-time employees eligible to receive Town medical insurance may avoid the minimum health insurance coverage requirements and receive a cash payment in lieu of such coverage provided they show satisfactory proof of coverage in a non-Town health insurance plan. Full-time employees eligible to receive Town medical insurance but choosing to have alternative non-Town health insurance coverage and electing to forgo the Town insurance plan for which they are eligible may receive a cash payment of \$20 per week. This payment shall be paid weekly through the employee's pay check. This cash incentive must be considered as income and is subject to withholding of taxes. Payment in lieu of insurance requests must be submitted annually by June 1st. (amended 9-12 to weekly from bi-weekly)

Application for payment in lieu of insurance shall be made to the Town Administrator on the form shown at Appendix B, and it must be renewed annually each December to continue the payments. Falsification of the application, or failure to notify the Town Administrator immediately when eligibility for benefit ceases, may make employees subject to disciplinary action up to and including termination.

Full-time Town employees who are eligible for health insurance coverage under any other plan for which the Town also pays the premiums (such as two Town employees married to each other) shall not "double dip". For example, a married couple employed by the Town each has the right to take a single person plan if they so choose, or one may decline health insurance while the other selects to take two-person or family coverage. In this case, the declining employee shall not be eligible for the cash incentive, as the Town will receive no cost savings.

Eligible employees are prohibited from declining Town-provided health insurance for themselves or their dependents when no other health insurance coverage is in effect.

7.5 Workers' Compensation Law The Town of Barrington complies with the laws of the State of New Hampshire (RSA 281-A) with regard to Workers' Compensation insurance. Basic information regarding this coverage, including our carrier, is posted in each work area. Specific questions regarding reporting injuries and benefit provisions should be directed to the employee's department head or the Town Administrator.

7.6 Unemployment Compensation The Town complies with the laws of the State of New Hampshire (RSA-A) with regard to unemployment compensation coverage for employees. Particular information may be available from the New Hampshire Department of Employment Security (NHDES) local office for this area.

Chapter 8: DISCIPLINARY PROCEDURES

It is the Town's policy to place as few restraints on personal conduct as possible. We are justifiably proud of our employees and the manner in which they conduct themselves. We rely on individual good judgment and sense of responsibility. Each employee is expected to conduct him or herself in an appropriate manner. However, for the protection of its property, business interests, and other employees, the Town has established certain rules of conduct. Violations of any rule can not be ignored.

These rules are published for your information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to any disciplinary action. It is only fair that you should be familiar with those rules the Town considers to be of importance. It is also fair that you be appraised of the procedures to be used should any disciplinary action be required. The Town believes in using a process that is fair to all, yet maintains employee responsibility.

For these reasons, the Town uses a counseling model for handling disciplinary/performance issues. This model is designed to bring deficiencies to the attention of the employee in as non-confrontational manner as possible. After a verbal warning, a supervisor will meet with the offending employee and review the incident or incidents that lead up to the meeting. Should performance not improve, the next step may include suspension, probation or termination as the situation may warrant.

However, there are times when this model is not appropriate, as noted below. Some violations, to include but not be limited to the following rules, will be considered adequate justification for immediate termination of an employee:

1. Possessing, carrying or being under the influence of intoxicating beverages or narcotics on Town property.
2. Stealing or attempting to steal property from any individual on Town property, or stealing or attempting to steal property from the Town.
3. Provoked or unprovoked bodily assault upon any person, or fighting on Town property.
4. Immoral or indecent conduct on Town property.
5. Unauthorized possession of firearms or any dangerous weapons, including explosives, on Town property.
6. Threatening, coercing, intimidating or interfering with other employees.
7. Insubordination to a supervisor, refusal to perform assignments, or directing abusive or threatening language at any supervisor, employee or official.
8. Disclosing confidential information to unauthorized persons.

9. Falsification on employment application(s), time cards, work reports or other Employer record.
10. Willful entering of data on another employee's time card or permitting another employee to enter data on your time record; or tampering with time cards, clocks or records, or failure to maintain accurate time records.
11. Fraud committed by knowingly accepting pay for operations not performed on time or time not worked.
12. Acts of sabotage, or other interference with employer projects.
13. Defacing Town property.
14. Conviction of a felony.
15. Sleeping during work hours.
16. Accepting or soliciting any gift, gratuity, favor, loan or other item or consideration of monetary value from any person who has or is seeking to transact with the employer, or from any person within or outside the employer's employment whose interest may be affected by the employee's performance or nonperformance of official duty.
17. Absence of three (3) consecutive working days without notification.
18. Inciting other employees to illegal action.
19. Participating in an unauthorized job action.
20. Unsafe or negligent operation of equipment or destruction of employer property or material or the property of another employee.

Disciplinary action will normally be taken in the following order:

- (a) Verbal warning
- (b) Written warning
- (c) Suspension without pay
- (d) Probation
- (e) Discharge

However, the above sequence need not be followed if an infraction is deemed to be sufficiently severe to merit immediate suspension, probation or discharge. Additionally, the Town reserves the right to take disciplinary action in a manner consistent with the efficiency of operations and appropriate to the infraction involved.

Chapter 9: WORKPLACE HARASSMENT

9.1 Workplace Harassment Objective To ensure a workplace free of unlawful harassment, and compliance with federal and state laws dealing with harassment and discrimination.

The Town is committed to providing a work environment that is free of harassment on the basis of sex, race, national origin, religion, age, veteran status disability, marital status, sexual orientation and other characteristics protected by federal and state laws. Employees are expected to conduct themselves with professionalism and respect for fellow employees, customers and vendors.

The Board of Selectmen or their designee administers this policy to assure support of and compliance with this policy.

9.2 Definition of Workplace Harassment Harassment includes, but is not limited to, the actions of any person, which create an intimidating, hostile or offensive work environment. Behavior or conditions that are objectively and subjectively perceived as offensive may create “Hostile environment”. Prohibited harassment includes, but is not limited to:

1. Written or spoken derogatory terms about an individual’s race, sex, age, or other protected characteristics outlined above,
2. Any other unwelcome conduct/behavior or attitude directed at a person because of a particular characteristic (i.e. sex, race, age, etc.)

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is made explicitly or implicitly a term or condition of employment,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding favorable employment opportunity, evaluation or assistance,
3. Or such conduct has the purpose or effect of unreasonably interfering with an individual’s performance at work, or creating an intimidating, hostile or offensive work environment.

Sexual harassment covers a wide range of behaviors including, but not limited to, the actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendoes, sexually suggestive printed materials or pictures, or other unwelcome sexually oriented statements. Sexual harassment may be indirect and even unintentional (e.g. overheard conversations).

9.3 Implementation All Town employees are encouraged to help assure that we prevent and stop harassment.

9.4 Reporting Harassment Experience has shown that a clear, firm statement to the person engaging in the offensive behavior often is all that is necessary to stop his/her conduct. Employees who believe they are being harassed are encouraged, but not required, to inform the person(s) engaging in the conduct how they feel. If you do not feel comfortable talking to the alleged harasser, if the conduct continues or if you witness harassment of another person, the incident should be reported to

- Your Department Head
- Town Administrator
- Board of Selectmen

The matter will be promptly investigated. All information will be handled discreetly and will be discussed only with those who have a need to know in order to investigate and resolve the complaint. If the Town determines that an employee has engaged in improper conduct, appropriate disciplinary action will be taken against the offending employee(s), up to and including immediate discharge.

Do not assume that the Town is aware of the existence of a problem. Please report any complaints and concerns in accordance with this policy.

9.5 Disciplinary Action Sexual or other unlawful harassment violates Town policy and will not be tolerated. All violations of this policy will be dealt with through appropriate disciplinary measures. Depending on the circumstances, appropriate discipline may include corrective counseling session, training, written warning, suspension or dismissal.

9.6 Retaliation The Town prohibits any form of retaliation against an employee who, in good faith, files a complaint under this policy or assists in a complaint investigation. However, if after investigating a complaint of harassment or unlawful discrimination, the Town determines that the claim has not been made in good faith and that an employee has intentionally provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

Chapter 10: COMPLAINT PROCEDURE

It shall be the policy of the Town that any complaint shall be settled at the lowest possible level. This policy shall not be construed to, in any way, restrict the rights of employees under these personnel rules.

The complaint procedure is as follows:

Step #1: The employee shall verbally bring the complaint to the attention of his/her immediate department head within two (2) work days of knowledge of the event causing the complaint. The immediate department head shall verbally respond within two (2) work days of hearing the complaint.

Step #2: If unsatisfied with the response at the first step, the employee shall submit the complaint in writing to the immediate department head. Submission of the complaint to the immediate department head shall be within three (3) work days of the department head's original decision. The department head shall respond within three (3) work days to this second request.

Step #3: If unsatisfied with the response at the second step, the employee shall submit the complaint in writing to the Town Administrator. Submission of the complaint to the Town Administrator shall be within five (5) work days of the immediate department head's written decision. The Town Administrator shall hold a hearing on the complaint and shall render a written decision within ten (10) days of receipt of the complaint.

Step #4: If not satisfied with the decision of the Town Administrator, the employee shall submit the complaint in writing to the Board of Selectmen within five (5) work days of receipt of the Town Administrator's decision. The Board of Selectmen may conduct a hearing on the matter and will typically render a written decision within fifteen (15) days of receipt of the complaint. The decision of the Board of Selectmen will be final.

Chapter 11: SEPARATION FROM EMPLOYMENT

11.1 Termination

A. Misconduct: an employee may be terminated from employment with the Town for misconduct in connection with his or her work for the Town as provided in Chapter 8 – Disciplinary Procedures. Employees terminated for misconduct shall forfeit severance benefits, as they will not have separated in good standing.

B. Without Fault: An employee may be terminated through no fault of his or her own when it is determined that the employee is unsuited for or incapable of performing the work assigned.

11.2 Resignation

Voluntary separation occurs when the separation is initiated by the employee by:

- A. A written or oral resignation;
- B. Failure to appear or call for three consecutive work days;
- C. Failure to return from an approved leave of absence;
- D. Failure to report for work upon recall from a layoff or Reduction-in-force; or
- E. Retirement

11.3 Exit Interview Upon termination of employment with the Town of Barrington by an employee, he/she may be asked to participate in an exit interview. The exit interview will be conducted by your Department Head or the Town Administrator.

The purpose of exit interview is to:

1. provide an opportunity for the employee to offer comment on why he/she is terminating their employment.
2. allow for the exchange of any security codes or passwords utilized by the employee during his/her employment.
3. Turn in all Town equipment, including but not limited to, uniforms, pagers, cell phones, hand tools etc. that were issued to the employee.
4. Make arrangements to receive final paycheck if applicable.

11.4 Layoffs/Reductions-in-Force

The Board of Selectmen may lay off an employee in the service of the Town by reason of shortage of work and/or funds, abolition of the position(s), other material changes in the organization, or for other reasons beyond the employer's control and which do not reflect discredit upon the employee. The Board of Selectmen will endeavor to provide affected employees with at least ten- (10) working days' notice.

Chapter 12: SAFETY AND HEALTH

12.1 Safety Plan

Providing safe working conditions and maintaining continuity of employment is of serious concern. As such, the Town has adopted a Safety Plan by which all employees will abide. A copy of the Safety Plan is provided as an Appendix to this policy. (See Appendix G) Violations of the Town Safety Plan will result in disciplinary action.

Department heads and supervisors shall be responsible for incorporating safety and good housekeeping into the day-to-day activities of their departments, including the taking of corrective and preventive action on problems within their departments.

Employees are encouraged to make recommendations, suggestions and reports of unsafe conditions to their immediate supervisor so that they may be reviewed and corrected.

12.2 Accident Reports

It is mandatory that an employee report any injury, however slight, to the supervisor or department head as soon as possible. The supervisor or department head will complete the required reports and forward them to the Town Administrator immediately. Any delay in reporting a work-related injury may lead to disciplinary action up to and including discharge.

12.3 Smoking

Because of the overwhelming evidence that smoking is dangerous and injurious to a person's health, the Town has prohibited smoking in the workplace and Town vehicles, except in specifically designated areas, to be in compliance with the Indoor Smoking Act (RSA 155:64-77).

12.4 Drug & Alcohol Abuse

Employees of the Town shall not possess, use or sell illegal drugs or alcoholic beverages while on employer time or business. Possession will include, but not be limited to, concealment or storage in a locker, bag, automobile, desk or other place accessible to the employee during working hours.

Employees shall not report to work or attempt to work while under the influence of non-prescribed drugs or alcoholic beverages.

Employees shall not report to work or attempt to work while suffering from the effects of exceeding the prescribed or directed usage or otherwise abusing prescription or over-the-counter drugs or medications.

Failure to comply with these rules will lead to disciplinary action that may include, but not be limited to, suspension, demotion or discharge.

12.5 Physical Examinations

To insure that employees remain healthy and able to work, the Town may require that certain personnel undergo a physical examination at the Town's expense by a provider of the Town's choice. Employees should refer to written policies adopted by an individual department regarding designation and scheduling.

Chapter 13: GRIEVANCES UNDER THE AMERICANS WITH DISABILITIES ACT

13.1 Purpose

To set up a grievance procedure under the Americans with Disabilities Act (ADA), which is mandated by federal law for any public entity employing fifty (50) or more persons.

13.2 ADA Coordinator

Pursuant to Section 35.107 of the ADA, the Town of Barrington will designate a person to coordinate its efforts to comply with the Americans with Disabilities Act, including investigation of any complaint alleging non-compliance or actions that would be prohibited by this Act. Through this policy, the Board of Selectmen designate the ADA Coordinator to be the Town Administrator.

13.3 Grievance Procedure

Grievances under the ADA will be handled according to the following five-step procedure:

- i) Any individual may file an ADA grievance. The complaint should be in writing and briefly describe the action alleged to be prohibited by the Act.
- ii) The ADA Coordinator shall conduct an investigation of the complaint as may be appropriate to determine its validity. In cases where the ADA Coordinator is directly involved with the grievance, the grievant shall be given the option of having an alternate ADA Coordinator, named by the Board of Selectmen, for subsequent actions on the grievance.
- iii) Within ten (10) business days, the ADA Coordinator shall meet with the grievant to discuss the findings of the investigation. The ADA Coordinator may attempt to resolve the grievance.
- iv) If unable to resolve the grievance, the ADA Coordinator shall, within ten (10) business days of the meeting with the grievant, forward a report on the facts to the Board of Selectmen, who shall meet within fifteen (15) business days of receiving the report and attempt to resolve the grievance.

- v) If unable to resolve the grievance, the Board of Selectmen shall refer the matter to the Town's legal counsel.

The right of a person to a prompt and equitable resolution of a complaint filed there under shall not be impaired by the person's pursuit of other remedies.

Chapter 14: UNIT OPERATING RULES

Each separate and identifiable department of the Town may develop, implement, and revise as necessary such policies, procedures, and rules pertaining to unique operational requirements and their effect upon employees as are needed for efficient performance of the department. Such policies, procedures, and rules should not conflict with these policies and procedures, or amendments thereto, and must therefore be approved by the Board of Selectmen prior to implementation. Where conflicts arise, the policies and procedures outlined in this plan will prevail.

Chapter 15: MISCELLANEOUS

15.1 Chain of Command

It is expected and required that all employees will follow the levels of authority, sometimes referred to as the chain of command, in reporting grievances, problems, violations of laws, policies and procedures, etc. This line of reporting is spelled out in the Complaint Procedure (Chapter 10).

The only exception to this policy will be for reports of sexual harassment (Chapter 9). However, no retaliatory action shall be taken against any employee who reports violations of federal and/or state laws to regulatory authority pursuant to the provisions of the state “Whistle Blowers Law” (RSA 275-E).

15.2 Ethics

Employment with the Town carries with it a responsibility to be constantly aware of the importance of ethical conduct. Employees must refrain from taking part in, or exerting influence in, any transaction in which their own interests may conflict with the best interests of the Town. Each employee is individually responsible for adhering to the policy and for reporting violations to his or her line supervisor.

The Town recognizes and respects the individual employee’s right to engage in activities outside of his or her employment which are private in nature and do not in any way conflict with or reflect poorly on the Town. Management does reserve the right, however, to determine when an employee’s activity represent a conflict with the Town’s interests and to take whatever action is necessary to resolve the situation including, but not limited to, suspension, demotion and termination.

The list below includes, but is not limited, to type of activity that would reflect negatively on the employee’s personal integrity or that would limit his or her ability to discharge their job duties and responsibilities in an ethical manner.

- A) Simultaneous employment by a firm that is a supplier to or contractor with the Town.
- B) Conducting business with a firm in which the employee, or a close relative of the employee, has a substantial ownership or interest.
- C) Hold a substantial interest in, or participating in the management of a firm from which the Town makes purchases.
- D) Borrowing money from individuals or vendors, other than recognized loan institutions, from which the Town buys services, materials, equipment or supplies.

- E) Accepting gifts or entertainment from an outside organization, business, contractor or vendor for which the Town does business.
- F) Speculating or dealing in materials, equipment, supplies, services or property purchased by the Town.
- G) Participating in civic or professional organization activities in a manner whereby confidential information is divulged.
- H) Misusing privileged information or revealing confidential data to outsiders.
- I) Using one's position in the Town or knowledge of its affairs for outside personal gains.
- J) Engaging in practices and procedures that violate federal, state or local laws, ordinances or rules.

15.3 Access to Personnel Records

In conformity with NH RSA 275:56, employees shall have a reasonable opportunity to inspect their personnel files and, upon request, to obtain a copy of all or part of the file.

If an employee disagrees with any information in the personnel file, and the Town refuses to remove or correct such information, the employee may submit a written statement explaining the disagreement together with evidence supporting the employee's version. Such statement shall be maintained as part of the employee's personnel file and shall be included in any transmittal of the file to a third party and shall be included in any disclosure of the contested information made to a third party.

It shall be the policy of the Town that an employee's personnel file may only be viewed by the employee and the appropriate management authority(ies) of the Town. The employee retains the right to allow a third party to view or have copies of his or her personnel file through the submission of specific, written authorization to the Town to do so.

The Town Administrator shall be responsible for the maintenance of the Town's personnel files. The Administrator may delegate performance of this task to appropriate department heads.

15.4 Residency

Certain employees of the Town may be required to maintain a residence within a certain radius of their work place. These personnel are generally considered necessary to handle emergency situations and, therefore, must be able to respond in a timely manner. The job description and work rules of a department will designate these personnel and the expected response time. This requirement will be clearly articulated during the job search to fill vacancies in these positions.

Chapter 16: USE OF THE INTERNET AND E-MAIL COMMUNICATIONS

Access to information, ability to conduct business from your desk and the almost instant communications are seen to be an enhancement to doing one's job. The Town recognizes this technology can be of benefit in the conduct of the public's business. However, it also recognizes the potential for its misuse.

In order to inform and protect both the employees and supervisors, it shall be the policy of the Town that use of the internet and e-mail communications while on the job shall be restricted to business use only.

As part of this policy:

- A) The employer reserves the right to monitor, access, change, delete, review or retrieve any and all information stored or transmitted on the computer systems within its operations, including information which may have been deleted but still exists on such systems.
- B) The employer does not guarantee the privacy or security of any item stored or transmitted on the computer systems, and the employee should not have any expectation of privacy with respect to any information transmitted or stored on the computer system. The computer systems are provided for business purposes, and employees should not use the systems for personal use and or for any offensive or unlawful purpose.
- C) All computer and electronic equipment, including hardware, software and portable personal computers, are the property of the employer.
- D) Upon separation of employment, an employee is required to deliver to the employer all passwords to access all documents, diskettes, computer, electronic or voice messaging systems.
- E) Employees who utilize various software programs licensed to the Town of Barrington which require security passwords in order to activate the program, or who shall have access to the internet and/or e-mail service as part of their employment with the Town shall be required to sign a document with the Town which acknowledges the privileged use of these systems and which documents the individual's various passwords to these programs in event of a serious illness or death of an employee. This document shall be maintained as part of the employee's personnel file.

Chapter 17: SEPARABILITY

If any Chapter or Section of these rules should be held to be invalid by competent authority, the remainder shall not be affected thereby.

Chapter 18: SUPERSESSSION

These rules and regulations shall take effect January1, 2001 upon the vote of the Board of Selectmen and shall supersede all previous rules, regulations, customs and/or past practices that may be in use on the effective date, unless specific exceptions are made by the Board of Selectmen or within these rules and regulations themselves. Any exceptions shall be noted in the action of the Board of Selectmen to adopt amendments, additions or deletions to these rules.

If there is any conflict between these rules and any federal or state law or negotiated agreement, then these rules shall not apply to those specific areas covered by such law, contract or agreement.

Chapter 19: AMENDMENT PROCEDURE

These rules may be amended and changed from time to time as conditions require and as deemed appropriate by the Board of Selectmen.

Any proposed amendments shall be presented to the Board of Selectmen for action. However, all amendments must be reviewed at least once at a public meeting and shall normally not be rejected nor adopted until at least fourteen (14) days after the public meeting. If any proposed amendment is amended, there shall normally be at least one public meeting held prior to adoption of the amended version of the rule(s).

APPROVED & DATED: _____

**BARRINGTON BOARD
OF SELECTMEN**

Cathal O’Ceallaigh, Chairman

George Musler, Selectman

Robert Stock, Selectman

APPENDIX B

TOWN OF BARRINGTON APPLICATION FOR PAYMENT IN LIEU OF INSURANCE

TO: Town of Barrington

FROM:

SUBJECT: Application for Payment in Lieu of Insurance

DATE:

Under the provisions of the Town of Barrington Personnel Plan, I hereby apply for payment in lieu of insurance effective _____.
Date

Check one or both blanks below, as appropriate:

_____ I am declining health insurance coverage for myself, as I am receiving health insurance coverage from a source other than the Town of Barrington. Attached is a certificate of my insurance coverage.

_____ I am declining health insurance for the following named dependent(s) who is/are fully eligible to be covered by my health insurance policy, but is protected by insurance from a source other than the Town of Barrington. Attached is a certificate of this insurance coverage.

Full Name

Relationship

Date of Birth
(If under age 25)

I certify that the above statement is true, and I acknowledge that false statements on this form may subject me to disciplinary action. I have read the Town of Barrington's Payment in Lieu of Insurance Policy.

(Date)

(Signature of Employee)

APPENDIX C

TOWN OF BARRINGTON DRUG & ALCOHOL POLICY

SUBJECT: Drug & Alcohol Testing of Employees

DISTRIBUTION: Employees of the Town of Barrington holding a valid
Commercial Drivers License

REFERENCE: (A) 49 CFR – Federal Motor Vehicle Safety
(B) Drug Free Work-Place Act 1988
(Pub. Law 100-690 title V)

I. PURPOSE

This delineates the policy under which the Town of Barrington will comply with Federal Highway Administration mandates, of reference (A), prohibiting the use of certain controlled drugs and alcohol by employees who, by position or function, perform safety sensitive functions that require the possession of a Commercial Drivers License (CDL). Within this policy are the procedures for testing, record keeping and enforcement that will be used by the Town to monitor and ensure compliance.

II. BACKGROUND/DISCUSSION

It is the policy of the Town, under guidelines of reference (B), that all of its work sites, facilities and vehicles be free from alcoholic beverages and illegal substances and that employees not report for duty in a condition that renders them unable to perform safely and properly. Specifically, the Town's general policy:

Prohibits the use, possession, dispensing, distribution or manufacturing of any Alcoholic beverage or controlled substance by a Town employee on Town premises, work sites, vehicles, or equipment.

Prohibits any employee from performing work duties in an impaired condition resulting from use of alcohol or controlled substances.

Requires employees to notify their department head, within five days, of conviction of a violation of a criminal drug statute if the violation occurred in the workplace or while on duty.

Provides for disciplinary action, up to and including termination, and/or required satisfactory participation in an approved assistance or rehabilitation program as a condition of continued employment.

Beyond this overall commitment to a drug and alcohol free workplace, the Town and employees who perform duties requiring a CDL, will adhere to the distinct requirements set by the Federal Highway Administration. The Federal Highway Administration requires all employers, including the Town of Barrington, to implement and administer specific anti-drug and alcohol abuse programs and a regulated drug and alcohol testing program for those covered employees. The intent of all of these programs and policies is to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances.

III. DEFINITIONS (Extracted from 49 CFR Federal Motor Vehicle Safety

A. Covered Employee: Any Town employee who must have a valid CDL as a condition of employment. Employees, who possess a CDL, but are not required to as a condition of employment, will not be assigned to duties requiring a CDL unless they meet the same criteria and participate in the same testing program as covered employees.

B. Safety Sensitive Function: An employee is considered performing a safety sensitive function when performing, preparing to perform or having just completed any of the following activities:

1. All driving time in a Commercial Motor Vehicle (CMV) or heavy equipment such as loaders, graders, excavators or any other vehicle or equipment weighing 26,001 lbs. or more.
2. All inspecting, servicing, maintaining or conditioning of any CMV.
3. All time, in or on a CMV, other than driving.
4. All time loading, unloading or preparing a CMV or supervising those activities.
5. All time in readiness, or on call, in readiness to operate a CMV or waiting to be dispatched.
6. All time repairing, obtaining assistance or remaining in attendance of a disabled CMV.
7. All time related to accidents.

B. C. Substance Abuse Professional: A licensed physician, or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

IV. RESPONSIBILITIES

A. The Town of Barrington as the employer will:

1. Administer and execute the provisions of this policy and defining regulations. The Board of Selectmen or their duly appointed agent will be the coordinator of the program for the Town. For the purposes of this policy, the Town Administrator has been appointed the Board's agent
2. Pay all costs for mandatory testing, training and record keeping. The town may contract for testing and other services related to this policy and will ensure that services related to this policy will ensure that procedures used for testing meet the requirements of reference (A), Part 40. The Town will closely monitor contractor performance to protect the employees, ensure the integrity of the testing processes, and safeguard the validity and attributability of the test results.
3. Provide annual training for all covered employees on the content of this policy and governing directives. Additional training will be provided when changes in the policy or those directives occur. (Material to be provided to employees is outlined in 49 CFR 382.601).
4. Provide specifically targeted training for supervisors and management personnel responsible for the performance of covered employees. This training will include a minimum of one hour of training on the recognition of the abuse of alcohol abuse and one hour on the recognition of the abuse of controlled substance use covering the physical, behavioral, speech, and performance indicators of probable participation in these activities.
5. Ensure confidentiality of individual employee records kept under provisions of this policy and governing directives. Except as required by law or expressly authorized or required by the governing directives, employee records will be released to individuals or outside agencies only with the written authorization of the employee, which indemnifies the Town.
6. Provide anti-drug use and anti-alcohol abuse training. Information on counseling and rehabilitation services will be provided prior to the start of testing and that anyone subsequently hired or transferred will be provided the material through the Employee Assistance Program (EAP) or the Personnel Department.

B. Supervisors, responsible for the safety and performance of employees assigned to them, will:

1. Prohibit employees, about whom they have actual knowledge of prohibited conduct, from performing or continuing to perform safety sensitive functions.

2. Observe and monitor the physical characteristics, conduct, behavior and performance of assigned employees for indications that they may be under the influence of drugs or alcohol. When personal observation provides reasonable suspicion, the employee will be immediately prohibited or removed from safety sensitive functions and directed to submit to appropriate testing.
3. Fully document, in writing within 24 hours, the circumstances, conditions and observances that result in the removal of an employee from safety sensitive functions.
4. Immediately report to the responsible department head and program coordinator any violation of prohibited activities or prescribed procedures.
5. Ensure the employees are scheduled for and attend required training.
6. Make strong effort, short of detaining an employee against his/her will, to arrange transportation to the employee's residence whenever an employee is prevented from reporting for or removed from duty in accordance with this policy.

C. Employees, whose duties require a valid CDL, will:

1. Submit to and cooperate with mandated drug and alcohol testing as delineated.
2. Not report for duty or remain on duty requiring the performance of safety-sensitive functions while using any controlled substance, except when the use pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a CMV. Employees must provide written notice from a medical professional to their department head and the program coordinator of any therapeutic drug use.
3. Not report for duty or remain on duty requiring the performance of safety-sensitive functions while under the influence of alcohol. An alcohol concentration greater than 0.02 will preclude assignment to safety-sensitive duties.
4. Not use alcohol while performing safety-sensitive functions.
5. Not consume alcohol within four hours prior to performing safety-sensitive functions.
6. Not consume alcohol after an accident that requires alcohol testing for eight hours or until tested, whichever occurs first.
7. Report immediately to their supervisor any disqualification or incidents that may result in disqualification that occur on or off duty.
8. Properly participate and successfully complete any rehabilitation program prescribed by a substance abuse professional.

V. TESTING In accordance with Part 40 reference (a)

- A. Requirements for controlled substance testing:
 THE NEW HAMPSHIRE OCCUPATIONAL HEALTH ALLIANCE WILL
 TEST ALL TOWN EMPLOYEES.

1. Random Testing: Periodic, unannounced, scientifically random selection of covered employees, identified by their social security number, will determine participants to meet the annual requirement for random controlled substance testing. The percentage of covered employees tested will be at least 50 percent, or the minimum percentage applicable for that calendar year as promulgated by the FHWA Administrator.
2. Post Accident Testing: Any employee performing safety-sensitive functions with respect to a Town CMV involved in an accident will be tested as soon as practicable, within 32 hours of that accident, if; the accident involved loss of human life; or a citation for moving violation under State or local law. Testing conducted by Federal, State or local officials having independent authority, conforming to applicable requirements may be considered to meet these requirements.
3. Reasonable Suspicion Testing: Testing will be required whenever an appropriately trained supervisor or management official observes specific, contemporaneous articulable conditions of appearance, behavior, speech or body odors and including chronic or withdrawal symptoms indicating the use of a controlled substance by a covered employee.
4. Pre-Employment Testing: Prior to any final offer of employment, any applicant who will perform safety-sensitive functions must be tested for controlled substances with a negative result. Employees seeking internal transfer or promotion to positions requiring CDL's, will not be assigned to that position or allowed to perform safety-sensitive functions until a controlled substance test with negative results has been completed.
5. Return to Duty Testing: A controlled substance test with verified negative results must be completed for any employee who has previously tested positive before the employee may return to duty requiring the performance of safety-sensitive functions.
6. Screening Testing: Any initial test for the presence of controlled substances. Any non-negative test will result in confirmation testing.
7. Confirmation Testing: A second independent analytic procedure to determine the specific drug or metabolite involved.
8. Follow-up Testing: Following return to duty after removal for controlled substance use, an employee who has completed a prescribed rehabilitation program, will be tested for at least 6 times in the first twelve months after return. Further follow-up testing may be conducted for up to 60 months.

B. Requirements for alcohol testing:

1. Random Testing: Periodic, unannounced, scientifically random selection of covered employees, identified by their social security numbers, will determine the participants to meet the annual requirement for random alcohol testing. The percentage of covered employees tested will be at least 25 percent, or the minimum percentage applicable for that calendar year as promulgated by the FHWA Administrator. Testing will be performed; while the employee is performing safety-sensitive functions; or just after performing safety-sensitive functions. The employee must immediately report to the testing center for testing when notified.
2. Post Accident Testing: Any employee performing safety-sensitive functions with respect to a Town commercial vehicle involved in an accident will be tested within two hours following the accident. The employer shall develop and maintain memos as to why the driver was not promptly tested. Attempts to accomplish the testing shall cease at eight hours of that accident if alcohol use is suspected, or 32 hours if controlled substance use is suspected, if; the accident involved loss of human life; or a citation for moving violation under State of local law. Testing conducted by Federal, State or local officials having independent authority, conforming to applicable requirements may be considered to meet this requirement.
3. Reasonable Suspicion Testing: Testing will be required, within two hours, whenever an appropriately trained supervisor or management official observes specific, contemporaneous articulable conditions of appearance behavior, speech or body odors indicating prohibited use of alcohol by a covered employee. Testing may be directed just before, while, or just after the period the employee must be in compliance with this policy.
4. Return to Duty Testing: An employee who has engaged in conduct prohibited by this policy, involving alcohol, must have an alcohol test with result indicating alcohol concentration less than 0.02 before being assigned to safety-sensitive functions.
5. Follow-up Testing: Following return to duty after removal for alcohol misuse, an employee who has successfully completed or is participating in a prescribed rehabilitation program, will be tested at a number of times to be determined by the Substance Abuse Professional (SAP), unannounced, in the first twelve months after return. Follow-up testing may be conducted for up to 60 months. This testing will be at the expense of the employee.
6. Screening Testing: any initial test for alcohol. This test is used to determine if confirmation testing is required. Any non-negative test, alcohol greater than 0.02, will result in confirmation testing.

7. Confirmation Testing: Any test resulting in indication of alcohol concentration greater than 0.02 will be followed by a second test within twenty minutes of the original test that read positive to confirm the quantitative date of alcohol concentration. An employee who tests between 0.02 and 0.04 will be removed from duty requiring safety-sensitive functions for 24 hours.

VI. CONSEQUENCES: Prescribed by the Town of Barrington:

- A. Positive Test Result: When prescribed testing results indicate that an employee has engaged in conduct prohibited by this policy, the following will happen:

FIRST OFFENSE: The employee may not return to work until he/she has undergone, at their own expense, evaluation by a Substance Abuse Professional (SAP), commenced treatment if determined necessary by (SAP), and has successfully undergone return to duty testing. The employee must use his/her available leave and then may apply for a leave of absence during this period. Sick time will not be allowed for the employee's use for this purpose.

SECOND OFFENSE: The employee will be terminated effective immediately.

- B. Refusal to Submit: Any employee who has been notified of the requirement for testing who fails to provide adequate breath for alcohol testing, fails to provide adequate urine for controlled substance testing, or engages in conduct that clearly obstructs the testing process will be considered to have refused to submit to testing. Refusal to submit to testing will result in termination for an employee required by position to have a valid CDL. Other employees will be permanently excluded from assignments requiring a CDL and may be disciplined up to and including termination.
- C. Rehabilitation Failure: When the evaluation of a substance abuse professional determines that a rehabilitation program is required by an employee to resolve problems associated with alcohol misuse or controlled substance abuse, the employee will properly follow the prescribed program as a condition of continued employment with the Town. For employees required by position to have a CDL failure to properly follow or successfully complete a prescribed rehabilitation program, as determined by a substance abuse professional, will result in termination. Other employees will be permanently excluded from assignments requiring a CDL and may be disciplined up to and including termination.
- D. Other Compliance: Any employee or supervisor who fails to comply with provisions and requirements of this policy, except as delineated above, will be subject to disciplinary action up to and including termination.

APPENDIX D

TOWN OF BARRINGTON ALCOHOL AND DRUG POLICY PRE-EMPLOYMENT URINALYSIS CONSENT FORM

The Town of Barrington has a strong commitment to the health, safety and welfare of its employees, their families, its customers, and the public at large. Therefore, the Town needs hire and employ workers requiring a Commercial Drivers License (CDL) who are free of illegal and abused drugs and alcohol, and protect employees, their families and the public from the adverse effects of alcohol and drug abuse. The Town requires the final applicant selected for a position requiring a CDL to undergo an Alcohol and Drug Test to detect the presence of alcohol and drug abuse substances in the body.

Any applicant with a positive pre-employment test may be denied employment with the Town by reason of the positive test. Also, any applicant refusing to be tested will be denied employment.

I UNDERSTAND THAT AS REQUIRED BY TITLE 49, CODE OF FEDERAL REGULATIONS, ALL APPLICANTS FOR POSITIONS REQUIRING A COMMERCIAL DRIVERS LICENSE MUST BE TESTED FOR THE USE OF CONTROLLED SUBSTANCES AS A PRE-CONDITION FOR EMPLOYMENT.

I CONSENT TO URINE SAMPLE COLLECTION AND TESTING FOR CONTROLLED SUBSTANCES.

I UNDERSTAND THAT A POSITIVE TEST RESULT FOR CONTROLLED SUBSTANCES WILL RENDER ME UNQUALIFIED TO OPERATE A COMMERCIAL MOTOR VEHICLE AND RESULT IN MY BEING DENIED EMPLOYMENT WITH THE TOWN OF BARRINGTON.

THE MEDICAL REVIEW OFFICER CONTRACTED BY THE TOWN WILL MAINTAIN THE RESULTS OF MY TEST. NEGATIVE AND POSITIVE RESULTS WILL BE REPORTED TO THE TOWN. IF THE RESULTS ARE POSITIVE, THE CONTROLLED SUBSTANCE WILL BE IDENTIFIED. THE RESULTS WILL NOT BE RELEASED TO OTHER PARTIES WITHOUT MY WRITTEN CONSENT.

I UNDERSTAND THE ABOVE CONDITIONS AND HEREBY AGREE TO COMPLY WITH THEM.

Applicants Name (Please Print)

Date

Applicants Signature

Social Security Number

APPENDIX E
TOWN OF BARRINGTON
ALCOHOL AND DRUG POLICY
TERMS OF AGREEMENT

I, the undersigned, certify that I have read and understand the Town's Policy Memorandum on Drug Abuse and have received a copy of that policy.

By accepting employment with the Town, I also consent to submit to urine testing for drugs and controlled substances and I agree to comply with all of the requirements of the Town, the Federal Motor Carrier Safety Regulations and any federal, state or local laws and rules governing the use or abuse of drugs and controlled substances.

I understand that my failure to honor the terms of this agreement will be grounds for the termination of my employment or the consideration of my application for employment with the Town.

Drivers Signature

Drivers Name (Please Print)

Date

APPENDIX F

ACKNOWLEDGING RECEIPT OF PERSONNEL POLICY MANUAL

I have received a copy of this Town of Barrington's Policy manual adopted _____-specifying policies, practices and regulations that I agree to observe and follow during my employment with the Town of Barrington. I have read the manual and understand the information contained in it. I understand that this policy manual is provided to me for informational purposes and does not represent an employment contract. I understand that I am an employee-at-will and may be subject to termination.

Date

Employee's Signature

APPENDIX G

TOWN OF BARRINGTON

SAFETY PLAN

